

OFFICIAL GAZETTE

GOVERNMENT OF GOA

NOTE :— There is one Extraordinary issue to the Official Gazette, Series I No. 20 dated 18-8-94 namely Extraordinary dated 19-8-94 from pages 361 to 362 regarding Notification from Department of Community Development and Panchayats.

GOVERNMENT OF GOA

Civil Supplies Department

Notification

11/17-11/93-CSD

The following Notification issued by the Ministry of Petroleum and Natural Gas, New Delhi, is hereby re-published for general information of the public.

B. N. Bhat, Under Secretary (Civil Supplies).

Panaji, 28th July, 1994.

MINISTRY OF PETROLEUM AND NATURAL GAS

Notification

New Delhi, the 3rd August, 1993

G. S. R. 529(E) — The exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby makes the following order, namely:—

(1) *Short title and commencement:*— (1) This order may be called the Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1993.

(2) It extends to the whole of India.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. *Definitions:*— In this Order, unless the context otherwise requires,

(a) 'Chief Controller of Explosives' shall have the same meaning assigned to it in the Indian Explosive Act, 1884 (4 of 1884);

(b) "Consumer" means a person, firm, company, institution, association of persons, cooperative society or organisation, whose name is registered with a distributor or with a Government Oil Company or with a parallel marketer for supply of liquefied petroleum gas either in bulk or in cylinders;

(c) "Cylinder" means a metal container utilised for storing liquefied petroleum gas;

(d) "delivery person" means a person employed by a distributor or a Government Oil Company or a parallel marketer, whether for wages or otherwise, to deliver Liquefied Petroleum Gas in cylinders to Consumers;

(e) "distributor" means a person, firm, association of persons, company, institution, organisation or a Co-operative Society approved by Government Oil Company or parallel marketer and engaged in the business of purchase, sale, or storage for sale of liquefied petroleum gas in cylinders to consumers on the basis of an agreement or otherwise with a Government Oil Company or a parallel marketer, as the case may be;

(f) "gas cylinder Valve" means a valve which is fitted to a cylinder;

(g) "Indian Standard" shall have the same meaning as assigned to it in clause (g) of Section 2 of the Bureau of Indian Standards Act, 1986; (63 of 1986);

(h) "Liquefied petroleum gas" means a mixture of certain light hydrocarbons which may include propane isobutane, normal butane butylenes etc. which are gaseous at normal ambient temperature and atmospheric pressure but may be condensed to liquid state at normal ambient temperature by the application of pressure and which conforms to Indian Standard specification No. IS 4576;

(i) "Government Oil Company" means:—

- (i) the Indian Oil Corporation Limited,
- (ii) the Hindustan Petroleum Corporation Limited,
- (iii) the Bharat Petroleum Corporation Limited,
- (iv) the IBP Co. limited,
- (v) the Oil and Natural Gas Commission,
- (vi) the Gas Authority of India Limited,
- (vii) the Oil India Limited, or

(viii) any other Government Company, a statutory body, a person, company, firm, association of persons, or organisation as declared by notification to be a Government Oil Company by the Central Government, for the purpose of this order;

j) "parallel marketer" means any person, firm, company, institution, association of persons, Co-operative Society or organisation carrying on the business of importing, refining, producing, bottling, marketing, distributing and selling liquefied petroleum gas under the parallel marketing system;

k) "parallel marketing system" means the system other than the public distribution system, under which a parallel marketer imports, transports, bottles, distributes or sells in bulk or in retail, packed or fitted in cylinder, liquefied petroleum gas under his own arrangement;

l) "public distribution system" means the system of distribution, marketing or selling of liquefied petroleum gas at Government controlled or declared price through a distribution system approved by the Central or a State Government;

m) "pressure regulator" means the equipment used for regulating the flow of liquefied petroleum gas from a cylinder to a gas stove;

n) "Seal" means seal put on the cap of the valve of the cylinder for the purpose of sealing a cylinder after it has been fitted with liquefied petroleum gas;

o) "Schedule" means the Schedule annexed to this Order;

p) "Storage point" means the premises approved or licenced by the Chief Controller of Explosives;

q) "transporter" means a person authorised by a Government Oil Company, parallel marketer or a distributor for transportation of LPG in bulk or in cylinders and also of empty or defective cylinders.

3. *Restriction on possession, supply and consumption of liquefied petroleum gas:*— (1) Where a person has been granted a connection for liquefied petroleum gas under the public distribution system then he shall not:

a) Possess more than one connection of liquefied petroleum gas granted under the public distribution system,

(b) possess or use liquefied petroleum gas filled in cylinders or in bulk, unless he has received that supply from a Government Oil Company or a distributor authorized by a Government Oil Company;

(c) use liquefied petroleum gas for any purpose other than for cooking;

Providing that the Central Government may by a general or special order permit the use of liquefied petroleum gas for such other purpose it may specify in that order.

(2) No distributor of a Government Oil Company shall supply liquefied petroleum gas filled in cylinders to any person unless he holds a valid authorisation from the Government Oil Company.

(3) No person shall fill any cylinder with liquefied petroleum gas or transfer liquefied petroleum gas from one cylinder to another cylinder or from one container to another container unless authorised by the Chief Controller of Explosives.

(4) No transporter or delivery person shall deliver or cause to be delivered liquefied petroleum gas either in cylinders or in bulk to any person other than the consumer for whom the liquefied petroleum gas is meant for.

4. *Restriction on storage and transport of liquefied petroleum gas.*— No person shall —

(a) transport or store a cylinder filled with liquefied petroleum gas except in an upright position;

(b) store or use or cause to be stored or used a cylinder filled with the liquefied petroleum gas except in a cool, dry, well, ventilated and accessible place under cover, away from boilers, open flames, steam pipes or any potential source of heat;

(c) remove the seal prior to use of the cylinder:

Provided that the distributor or his authorised representative or the delivery person may remove such seal with the consent of the consumer either for testing, checking or fitting the cylinder;

(d) use cylinder, pressure regulator and gas cylinder valve other than those specified in schedules 'A' and 'B'.

5. *Restriction on sale or distribution of liquefied petroleum gas below the standard weight.*— No Government Oil Company, distributor or parallel marketer shall supply, sell or distribute to a consumer of liquefied petroleum gas in cylinders which contains less than the weight of liquefied petroleum gas specified in the Schedules annexed to this Order.

6. *Possession, supply or sale of liquefied petroleum gas equipments:*— (1) No person shall —

(a) Supply or sell filled or empty cylinders, gas cylinder valves and pressure regulators to any person other than a Government Oil Company or a parallel marketer;

(b) unless authorised by a Government Oil Company or a parallel marketer, supply or sell empty cylinder, gas cylinder valve and pressure regulator to any person other than a consumer;

(c) possess filled or empty cylinder, gas cylinder valve or pressure regulator, unless he is a consumer and the same has been supplied by a distributor, a Government Oil Company or a parallel marketer.

(2) Every manufacturer of cylinder, gas cylinder valve and pressure regulator shall destroy by crushing those cylinders, cylinder valves and pressure regulators which do not conform to the prescribed Indian Standards.

7. *Display of stock and price of liquefied petroleum gas under public distribution system.*— Every distributor appointed under the public distribution system shall prominently display the stock and price of the liquefied petroleum gas at a conspicuous place of the business premises including the storage point, showing—

(i) opening balance of filled, empty and defective cylinders and regulators;

- (ii) the backlog of the filled cylinders to be supplied on the proceeding working day;

8. Procurement, storage and sale of liquefied petroleum gas by the distributor under the public distribution system:—

(a) No distributor appointed under the public distribution system having stock of liquefied petroleum gas at the business premises, including storage point, shall, unless otherwise directed by a Government Oil Company, refuse to sell on any working day, during working hours, to the consumer whose name is registered with the distributor according to the chronology of placing of order.

(b) No distributor appointed under the public distribution system shall keep his business premises, including the storage point, closed during working hours, on any working day, without the prior written permission of the Government Oil Company

Explanation.— For the purposes of sub-clause (a) and sub-clause (b) above the expression 'working hours' means the working hours fixed by the concerned Government Oil Company in accordance with the provisions of the Shops and Establishment Act in force in the respective States or Union Territories, as the case may be.

(c) Every distributor appointed under the public distribution system shall take all reasonable steps to ensure that adequate stocks of liquefied petroleum gas are available at the business premises, including the storage point at all times.

(d) No distributor appointed under the public distribution system shall sell liquefied petroleum gas at a price higher than that fixed by the Government Oil Company nor shall, without prior written permission of the concerned Government Oil Company, refuse to make home delivery at the address of the consumer, whose name and address is registered with the distributor.

(e) Every distributor appointed under the public distribution system shall display prominently at the place of business, including the place of storage on a conspicuous place the hours of working.

9. Maintenance of register, account books and submission of returns by a distributor appointed under public distribution system:—

(a) Every distributor appointed under public distribution system shall maintain proper accounts of daily purchase, sale and storage of liquefied petroleum gas at the business premises everyday indicating therein:

(i) the opening stock of the filled, empty and defective cylinders;

(ii) the number of filled, empty and defective cylinders received during the day;

(iii) the number of filled, empty and defective cylinders sold, delivered or otherwise disposed of during the day;

(iv) the closing stock of the filled, empty and defective cylinders; and;

(v) such other relevant particulars as the concerned Government Oil Company may by order in writing specify in this regard.

(b) The distributor appointed under the public distribution system shall maintain a register giving the details of names and addresses of persons registered for obtaining liquefied petroleum gas connection.

10. Maintenance of records and furnishing of information by parallel marketeer:—

(a) Every parallel marketeer before commencing the import, transportation, bottling, marketing, distribution or sale of liquefied petroleum gas shall intimate to the Central Government in the Ministry of Petroleum and Natural Gas his intention to engage in all or any one of the above activities specifying therein capability to do so, and other relevant particulars.

(b) The parallel marketeer of liquefied petroleum gas shall submit a monthly return before the 15th day of the following month giving details of liquefied petroleum gas imported port-wise, to the Central Government in the Ministry of Petroleum and Natural Gas.

(c) The parallel marketeers shall furnish to the Central Government in the Ministry of Petroleum and Natural Gas, or to such authority as may be specified by that Government in this regard, such other information as may be required.

11. Power of entry, search and seizure:—

(a) An Officer of the Department of Food and Civil Supplies of the Government, not below the rank of an Inspector authorised by such Government and notified by the Central Government or any Officer authorised and notified by the Central Government or any Officer not below the rank of a Sales Officer of a Government Oil Company authorized by the Government and notified by the Central Government may, with a view to ensuring compliance with the provisions of this Order, for the purpose of satisfying himself that his Order or any Order made thereunder has been complied with.

(i) stop and search any vessel or vehicle which the Officer has reason to believe has been or is being or is about to be used in the contravention of this Order;

(ii) enter or search any place with such and or assistance as may be necessary; and

(iii) seize and remove with such aid or assistance, may be necessary books, registers and other records pertaining to liquefied petroleum gas business, filled and empty cylinders, cylinder valves and pressure regulators alongwith the vehicle, vessel or any other conveyance used for carrying such stock.

if he has reason to believe that any provision of this Order has been or is being or is about to be contravened and thereafter take or authorise the taking of all measures necessary for securing the production of the liquefied petroleum gas filled or empty cylinders, cylinder valves, pressure regulators, at the

office of the Government Oil Company and the vehicle, vessel or other conveyance so seized before the Collector having jurisdiction under the provisions of the Essential Commodities Act, 1955 (10 of 1955) for their taking action against all concerned.

(b) The provisions of section 100 of the Code of Criminal Procedure, 1972 (2 of 1974) relating to search and seizure shall, so far as may be apply to searches and seizures under this order.

12. *Overriding effect of the Order:*— The provision of this Order shall have the overriding effect notwithstanding anything to the contrary contained in any order made by a State Government or a Union Territory by an officer of such State Government or Union Territory before the commencement of this order, except as regards of anything done or omitted to be done thereunder before such commencement.

13. *Power to exempt:*— The Central Government may, if it considers necessary for avoiding hardship or for any other just and sufficient reason, by notification in the Official Gazette, exempt any person from all or any of the provision of this Order, either generally or for any specific period, subject to such conditions as may be specified in the notification.

14. *Repeal and Saving:*— (1) The Liquefied Petroleum Gas (Regulation of Supply and Distribution) Order, 1988 is hereby repealed except in respect of things done or omitted to be done under that order before the commencement of this order.

(2) Notwithstanding such repeal anything done or any action taken under the said Order shall be deemed to have been done or taken under the corresponding provisions of this Order.

SCHEDULE - A

(See Clauses 4 and 5)

Standard size and Specification of liquefied petroleum gas cylinders shall conform to IS 3196 - and Colour Code Specification IS 4379.

| Water capacity of cylinders | Internal diameter of cylinders in MM | Net weight of liquefied petroleum gas |
|------------------------------|--------------------------------------|---------------------------------------|
| (i) 33.3 litres + 5 litres | 314 mm + 20 mm | 14.2 kg. + 5 kg. |
| (ii) 44.5 litres + 5 litres | 330 mm + 30 mm | 19.0 kg. + 1 kg. |
| (iii) 110 litres + 15 litres | 368 mm + 30 mm | 47.5 kg. + 1 kg. |
| (iv) 225 litres + 25 litres | 390 mm + 40 mm | 100.0 kg. + 2 kg. |

NOTE:— The Weight of the liquefied petroleum gas contained in a cylinder shall not vary by a difference of 1.5% of the net weight of the respective cylinder as indicated on it by the Government Oil Company.

2. Standard size and specification of Gas Cylinder Valve under the public distribution system shall conform to IS 8737, Part II specifications having an outlet collar diameter of 26.6 mm + 3 mm.

3. Pressure regulator shall conform to IS 9798 specification having an inlet diameter of 25.6 mm + 3 mm.

SCHEDULE-B

(See Clauses 4 and 5)

(APPLICABLE TO PARALLEL MARKETEEER SYSTEM)

A parallel marketeer under the parallel marketing system may deal with —

- Cylinder of any size, shape, design and weight other than those specified in Schedule 'A' conforming to Indian Standard specifications, without however any restriction on water capacity.
- Gas cylinder valve conforming to IS specification 8737, Part II specification but the outlet collar diameter size should be different than 25.6 + 3 mm.
- Pressure regulators conforming to Indian Standard specification 9798 of any size and having an inlet diameter other than of 25.6 mm + 3 mm.

(No. P-17011/19/93-Mkt)

DEVI DAYAL, Jt. Secy.